

ALLOWANCE

1. Claims 1-6, 9 and 11 are allowed. This action is in response to both the Remarks filed on April 14, 2008, in which Applicant provided argument and a Terminal Disclaimer.

Reasons for Allowance

2. The following is an Examiner's statement of reasons for allowance: the elected invention is free of the prior art and the form of the application is acceptable. The closest prior art is Andres-Gil, et al., U.S. Patent No. 7,169,786. The difference between the compounds of the reference and the instant compounds is that the compounds of the reference include aryl and instant claim 1 has been amended such that R¹ and R² are each selected from a group that excludes aryl as a possible limitation. The cores are divergent and the prior art reference does not teach or fairly suggest the instantly claimed compounds.

Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 103

3. Examiner previously rejected claims 1-6, 9 and 11 are rejected under 35 USC 103 as being anticipated by Andres-Gil, et al., U.S. Patent No. 7,169,786. Based on the fact that at the time the claimed invention was made, the '786 patent and the claimed invention were both subject to an obligation of assignment to Janssen Pharmaceutica N.V., the reference cannot be

considered "by another" for purposes of 102(c). As a result, this rejection is moot.

Double Patenting

4. Examiner previously rejected claims 1-6, 9, and 11 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3, 5, 7 and 13-15 of Andres-Gil, et al., U.S. Patent No. 7,169,786. Examiner withdraws this rejection as Applicant has filed a Terminal Disclaimer in this case.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Erich A. Leeser whose telephone number is 571-272-9932. The Examiner can normally be reached Monday through Friday from 8:30 to 6:00 EST.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. James O. Wilson can be reached at 571-272-0661. The fax number for the organization where this application is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erich A. Leeser/

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